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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION**

In re:  NICHOLE M. WINTERS  Debtor.	Case No. 15-31416 Chapter 13 Hon. R. Kimball Mosier <i>Hearing: 9/26/2018 @ 11:00 a.m.</i>
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**TRUSTEE'S RESPONSE TO MOTION TO VACATE DISMISSAL**

Lon A. Jenkins, Chapter 13 Trustee, by and through counsel, hereby responds to the above-referenced motion as follows:

1. On August 1, 2018, the Court dismissed the case upon the Trustee's Motion to Dismiss for failure to provide to the Trustee the 2017 tax returns and turnover amount as required by the Confirmation Order (Docket 26).

2. As of the date of this response, the Trustee has not received the tax 2017 tax returns. According to the motion, Debtor has applied for an extension to file the returns with the IRS. The Trustee asserts that the Debtor has not been excused from the Confirmation Order requirement to turnover the tax returns to the Trustee by April 30<sup>th</sup>. Unless the returns and required turnover amount are provided to the Trustee prior to the hearing, the Trustee opposes

the motion.

3. As of the date of this response, the Debtor is delinquent \$382.00 (two payments). Another payment of \$191.00 will come due prior to the hearing on the motion. The Trustee objects to the Motion unless the Debtor resolves the delinquency in the case. The Trustee objects to the Motion unless the Debtor cures the delinquent payments and pays the September payment prior to the hearing. Due to the dismissed posture of the case, the payments must be mailed to the Chicago lockbox (3111 Momentum Place, Chicago IL 60689).

4. No attorney fees were requested with the motion.

WHEREFORE, the Trustee objects to entry of an Order granting the relief requested in the Motion.

DATED: September 6, 2018.

/s/ MaryAnn Bride  
MARYANN BRIDE  
Attorney for Chapter 13 Trustee

#### **CERTIFICATE OF SERVICE**

A true and correct copy of the foregoing paper was served on the following person on September 6, 2018.

CLAIRE SUMMERHILL, ESQ.  
ECF Notification

/s/ MB  
Office of the Chapter 13 Trustee